

# EXHIBIT 5

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF WEST VIRGINIA

SCOTT T. BALLOCK,

Plaintiff,

v.

CIVIL ACTION NO.: 1:17-CV-52  
Honorable Irene M. Keeley

ELLEN RUTH COSTLOW,  
STATE TROOPER MICHAEL KIEF,  
STATE TROOPER RONNIE M.  
GASKINS, AND STATE TROOPER  
CHRIS BERRY,

Defendants.

**PRIVACY ACT ORDER**

Defendants State Trooper Michael Kief, State Trooper Ronnie M. Gaskins, and State Trooper Chris Berry (collectively, the “State Police Defendants”) have requested documents from the Federal Bureau of Investigation (“FBI”) related to Plaintiff Scott T. Ballock’s employment with and discharge from the FBI, including Mr. Ballock’s personnel file. These documents, maintained by the FBI in its indices, may be subject to the restrictions of the Privacy Act, 5 U.S.C. § 552a. In response to a motion from the State Police Defendants for a Privacy Act order, the Court does hereby ORDER as follows:

1. The FBI, in response to a subpoena duly issued pursuant to the provisions of Rule 45 of the Federal Rules of Civil Procedure, and subject to the regulations set forth at 28 C.F.R. § 16.21, *et seq.*, may disclose or produce to the parties in this case records or documents responsive to the State Police Defendants’ request, which in whole or in part, are otherwise subject to the Privacy Act of 1974, 5 U.S.C. § 552a, and which contain information within the proper scope of discovery under Rule 26(b) of the Federal Rules of Civil Procedure.

2. The FBI shall have the right to designate, subject to this Order, any document or other item responsive to the subpoena that is a record subject to the Privacy Act.

3. Any such documents designated by the FBI as subject to the Privacy Act must be identified as subject to the protective order entered in this case (ECF No. 47) by conspicuously stamping the phrase "CONFIDENTIAL—SUBJECT TO PROTECTIVE ORDER" on each page, or in the case of other tangible items, notifying counsel for the State Police Defendants in writing. All documents so designated shall be subject to the protective order, and shall be handled by the parties and counsel in accordance with the terms and conditions of the protective order.

4. Documents produced by the FBI for inspection and copying shall be used only for the purpose of this litigation, unless otherwise ordered by the Court.

5. This Order constitutes a limited authorization to the FBI and its agents and employees to disclose Privacy Act-protected records pursuant to 5 U.S.C. § 552a(b)(11). In making the limited disclosure set forth herein, the FBI and its agents and employees are hereby relieved of any penalties to which they may otherwise be subjected pursuant to 5 U.S.C. § 552a(g).

The Clerk of Court is **DIRECTED** to provide a copy of this Order to counsel of record.

Entered: \_\_\_\_\_

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**MICHAEL JOHN ALOI**  
**UNITED STATES MAGISTRATE JUDGE**